



ATTORNEY DOCKET NO. 13172.0012U1  
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	)	
	)	
DEAN et al.	)	Art Unit: 1637
	)	
Application No. 09/977,868	)	Examiner: Kenneth R. Horlick
	)	
Filing Date: October 15, 2001	)	Confirmation No. 3745
	)	
For: NUCLEIC ACID AMPLIFICATION	)	
	)	

TERMINAL DISCLAIMER

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Arlington, VA 22313-1450

NEEDLE & ROSENBERG, P.C.  
Customer No. 23859

Sir:

Petitioner, QIAGEN GmbH, is owner of the entire interest in the above-identified application and in U.S. Patent No. 6,617,137 as evidenced by the assignment from Frank B. Dean, Roger S. Lasken, Linhua Fang, A. Fawad Faruqi, Osama A. Alsmadi, Mark D. Driscoll, and Seiyu Hosono to Molecular Staging Inc. recorded at Reel 0125550 and Frame 0677, and the assignment from Molecular Staging Inc. to QIAGEN GmbH recorded at Reel 015478, Frame 0609, establishing a chain of title from the inventors to Petitioner for the above-identified application and for U.S. Patent No. 6,617,137 (which issued from a continuation application of the above-identified application). Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154-156 and

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173, as shortened by any terminal disclaimer, of U.S. Patent No. 6,617,137. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and U.S. Patent No. 6,617,137 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154-156 and 173 of U.S. Patent No. 6,617,137, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

The undersigned is empowered to act on behalf of QIAGEN GmbH.

I declare that all statements made herein of my own knowledge and belief are true and that all statements made on information and belief are believed to be true, and further, that the statements are made with the knowledge that willful false statements are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

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Serial No. 09/977,868

QIAGEN GmbH

Date: 03. JAN. 2005

Name: Dr. Volker Kühn  
Director Intellectual Property & Licensing

Title: \_\_\_\_\_

Signature: 